

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Criminal No. 03-354(1) (JNE)

Plaintiff,

v.

ORDER

ROBERT LEON ROBERSON,

Defendant.

Defendant, Robert Leon Roberson has moved, pursuant to 18 U.S.C. § 3582(c), for a sentencing reduction under the revised and retroactive amendments to the United States Sentencing Guidelines applicable to crack cocaine cases. The Government has responded.

After trial, the original sentence was mid-range. Now his range has been retroactively lowered to 121-151. Mid-range is again the lowest appropriate sentence. It provides just punishment for the offense which, as proved at trial, was serious. The defendant has not shown, by attitude or action, that he is unlikely to recidivate. Less than 136 would place the defendant out of sync with similarly situated defendants and would not provide just punishment.

Based on a review of the file, record and proceedings herein,

IT IS HEREBY ORDERED that the motion is GRANTED, in part. Defendant's sentence is amended to 136 months. All other conditions previously imposed, including the term of supervised release, remain in effect, with the addition of the following condition. The

defendant shall reside for a period of up to 180 days in a residential re-entry center as approved by the probation officer and shall observe the rules of that facility.

Dated: March 6, 2012

s/ Joan N. Ericksen
Joan N. Ericksen, Judge
United States District Court